

AGENDA

Ways and Means Committee

Tuesday, April 20, 2010

Immediately upon adjournment in Room 521 Blatt Building

I. Revenue Policy

(Cooper, Barfield, Merrill, White, Young – Staff Liaison – Rena Grant)

- A. House Bill 4838: Teacher Salary Schedule Adjustment FY 2010-2011**
- B. Senate Bill 391: ESC Reform**
- C. House Bill 4233: Conforming The Definition Of Beer As It Relates To License Tax**

Other bills may be added. The order noted above is subject to change.

REPORT OF THE REVENUE POLICY SUBCOMMITTEE

(Cooper, Barfield, Merrill, White & AD Young - Staff Contact: Rena Grant)

HOUSE BILL 4838

H. 4838 -- Rep. Cooper: A JOINT RESOLUTION TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY PAY TEACHERS BASED ON THE EDUCATION LEVEL AND YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN FISCAL YEAR 2009-2010 WITHOUT NEGATIVE IMPACT TO THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND NOTICE REQUIREMENTS FOR THIS DECISION; TO REQUIRE THAT PAYMENT ACCORDING TO THE 2009-2010 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR SCHOOL ADMINISTRATORS MORE THAN THEY RECEIVED IN FISCAL YEAR 2009-2010; AND TO DEFINE CERTAIN TERMS.

Summary of Bill:

This legislation would give districts the discretion not to provide the STEP increase to teachers for FY 2010-2011. Teachers would still receive credit for an additional year of service.

Introduced: 4/14/2010

Received by Ways and Means: 4/14/2010

Estimated Fiscal Impact:

The State Department of Education (SDE) indicates that enactment of this Bill will have no fiscal impact on the General Fund of the State or on Federal and/or Other funds.

SDE projects an undeterminable amount of cost avoidance for local school districts if districts' board of trustees exercises the provisions of this Bill.

Subcommittee Recommendation:

Favorable

Full Committee Recommendation:

Pending

Other Notes/Comments:

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FISCAL IMPACT STATEMENT ON BILL NO. **H.4838**

(Doc. No. 9712bh10.docx)

TO:	The Honorable Daniel T. "Dan" Cooper, Chairperson, House Ways and Means Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Bryce Wilson		
DATE:	April 20, 2010	SBD:	2010257

AUTHOR:	Representative Cooper	PRIMARY CODE CITE:	Joint Resolution
SUBJECT:	Teacher Pay		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

\$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

\$0 (No additional expenditures or savings are expected)

BILL SUMMARY:

This Joint Resolution would allow a local school district to pay teachers based on the education level and years of experience the teachers possessed in fiscal year 2009-10 without negative impact to their experience credit. It provides that a local school district may not pay district or school administrators more than they received in fiscal year 2009-10.

EXPLANATION OF IMPACT:

The State Department of Education (SDE) indicates that enactment of this Bill will have no fiscal impact on the General Fund of the State or on Federal and/or Other funds.

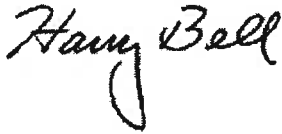
LOCAL GOVERNMENT IMPACT:

SDE projects an undeterminable amount of cost avoidance for local school districts if districts' board of trustees exercises the provisions of this Bill.

SPECIAL NOTES:

None.

Approved by:



Harry Bell
Assistant Director, Office of State Budget

South Carolina General Assembly
118th Session, 2009-2010

H. 4838

STATUS INFORMATION

Joint Resolution

Sponsors: Rep. Cooper

Document Path: l:\council\bills\bbm\9712bh10.docx

Introduced in the House on April 14, 2010

Currently residing in the House Committee on **Ways and Means**

Summary: Teachers

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
4/14/2010	House	Introduced and read first time <u>HJ-17</u>
4/14/2010	House	Referred to Committee on Ways and Means <u>HJ-17</u>

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VERSIONS OF THIS BILL

4/14/2010

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9 **A JOINT RESOLUTION**

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11 TO PROVIDE THAT A LOCAL SCHOOL DISTRICT MAY
12 PAY TEACHERS BASED ON THE EDUCATION LEVEL AND
13 YEARS OF EXPERIENCE THE TEACHERS POSSESSED IN
14 FISCAL YEAR 2009-2010 WITHOUT NEGATIVE IMPACT TO
15 THEIR EXPERIENCE CREDIT; TO PROVIDE VOTING AND
16 NOTICE REQUIREMENTS FOR THIS DECISION; TO
17 REQUIRE THAT PAYMENT ACCORDING TO THE 2009-2010
18 DATA BE APPLIED UNIFORMLY; TO PROVIDE THAT A
19 LOCAL SCHOOL DISTRICT MAY NOT PAY DISTRICT OR
20 SCHOOL ADMINISTRATORS MORE THAN THEY
21 RECEIVED IN FISCAL YEAR 2009-2010; AND TO DEFINE
22 CERTAIN TERMS.

23
24 Be it enacted by the General Assembly of the State of South
25 Carolina:

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27 SECTION 1. A. For Fiscal Year 2010-2011 a local school district
28 board of trustees may determine that all teachers employed by the
29 district must be paid based on the educational level and years of
30 experience on the school district salary schedule they possessed in
31 Fiscal Year 2009-2010, without a negative impact resulting to their
32 experience credit. This decision must be voted on by the local
33 school district board of trustees in a public school board meeting
34 with public notice posted on the school district website.

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36 B. Application of this provision must be applied uniformly for all
37 teachers within the school district. The local school district board
38 of trustees may not provide for an increase in salary for district
39 administrators and school administrators and their compensation
40 may not be higher than the actual amount received in Fiscal Year
41 2009-2010.

1 C. For purposes of this joint resolution, district administrators and
2 school administrators are defined by the Department of Education
3 using the Professional Certified Staff (PCS) System. For
4 individuals not coded in PCS, the determination must be based
5 upon whether the individual performs the functions outlined in
6 position codes identified by the department as administration.

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8 SECTION 2. This joint resolution takes effect upon approval by
9 the Governor.

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**REPORT OF THE
REVENUE POLICY SUBCOMMITTEE**
(Cooper, Barfield, Merrill, White & AD Young - Staff Contact: Rena Grant)

SENATE BILL 391

S. 391 -- Senators Ryberg, McConnell, Verdin, Bryant, Cleary, Campsen, Shoopman, Campbell, Rose, Davis, Bright, S. Martin and Sheheen: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41-29-300 SO AS CREATE THE WORKFORCE DEPARTMENT APPELLATE PANEL WITHIN THE DEPARTMENT OF WORKFORCE, TO PROVIDE FOR THE FILLING OF A VACANCY, TO REQUIRE THE PRESENT MEMBERS OF THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION MUST CONSTITUTE THE INITIAL MEMBERSHIP OF THE NEW PANEL, TO PROVIDE THE PANEL SHALL DISSOLVE WHEN THE MEMBERS' TERMS EXPIRE IN 2012, AND TO PROVIDE RELATED APPELLATE PROCEDURES; BY ADDING SECTION 41-29-310 SO AS TO TRANSFER THE WORKFORCE INVESTMENT ACT PROGRAM FROM THE DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF WORKFORCE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO DEPARTMENTS WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, SO AS TO CREATE THE SOUTH CAROLINA DEPARTMENT OF WORKFORCE WITHIN THE EXECUTIVE BRANCH; TO AMEND SECTION 41-29-10, RELATING TO THE EMPLOYMENT SECURITY COMMISSION, SO AS TO PROVIDE THAT CERTAIN CHAPTERS WITHIN TITLE 41 MUST BE ADMINISTERED BY THE DEPARTMENT OF WORKFORCE AND TO DELETE REFERENCES TO THE EMPLOYMENT SECURITY COMMISSION; TO AMEND SECTION 41-29-20, RELATING TO THE CHAIRMAN, QUORUM, AND FILLING OF A VACANCY ON THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND TO PROVIDE THE DEPARTMENT OF WORKFORCE MUST BE MANAGED AND OPERATED BY A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, AND THAT THE DIRECTOR IS SUBJECT TO REMOVAL BY THE GOVERNOR AT HIS DISCRETION BY EXECUTIVE ORDER; TO AMEND SECTION 41-29-30, RELATING TO THE APPOINTMENT OF A SECRETARY OF THE EMPLOYMENT SECURITY COMMISSION, SO AS TO DELETE THE EXISTING LANGUAGE AND PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WORKFORCE OR HIS DESIGNEE MUST RECEIVE ANNUAL COMPENSATION AS PROVIDED BY THE GENERAL ASSEMBLY AND OFFICIAL EXPENSES AS PROVIDED BY LAW FOR EXECUTING THE DUTIES AND FUNCTIONS OF THE DEPARTMENT; TO AMEND SECTION 8-17-370, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE EMPLOYEE GRIEVANCE PROCESS, SO AS TO INCLUDE EMPLOYEES OF THE DEPARTMENT OF WORKFORCE AMONG THOSE EXEMPTED; TO AMEND SECTIONS 41-27-10, 41-27-30, 41-27-150, 41-27-160, 41-27-190, 41-27-210, AS AMENDED, 41-27-230, 41-27-235, AS AMENDED, 41-27-260, AS AMENDED, 41-27-360, 41-27-370, AS AMENDED, 41-27-380, 41-27-390, 41-27-510, 41-27-550, 41-27-560, 41-27-570, 41-27-580, 41-27-600, 41-27-610, 41-27-620, 41-27-630, 41-27-670, 41-29-40, 41-29-50, 41-29-60, 41-29-70, 41-29-80, 41-29-90, 41-29-100, 41-29-110, 41-29-120, AS AMENDED, 41-29-130, 41-29-140, 41-29-150, 41-29-170, AS AMENDED, 41-29-180, 41-29-190, 41-29-200, 41-29-210, 41-29-220, 41-29-230, 41-29-240, 41-29-250, 41-29-270, 41-29-280, 41-29-290, 41-33-10, 41-33-20, 41-33-30, 41-33-40, 41-33-45, 41-33-80, AS AMENDED, 41-33-90, 41-33-100, 41-33-110, 41-33-120, 41-33-130, 41-33-170, 41-33-180, 41-33-190, 41-33-200, 41-33-210, 41-33-430, 41-33-460, 41-33-470, 41-33-610, 41-33-710, 41-35-10, 41-35-30, 41-35-100, 41-35-110, AS AMENDED, 41-35-115, AS AMENDED, 41-35-120, AS AMENDED, 41-35-125, 41-35-126, 41-35-130, AS AMENDED,

THE BELOW CONSTITUTED SUMMARY IS PREPARED BY THE STAFF OF THE SC HOUSE OF REPRESENTATIVES AND IS NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. IT IS STRICTLY FOR THE INTERNAL USE AND BENEFITS OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND IS NOT TO BE CONSTRUCTED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

41-35-140, 41-35-330, 41-35-340, 41-35-410, 41-35-420, AS AMENDED, 41-35-450, 41-35-610, 41-35-630, 41-35-640, AS AMENDED, 41-35-670, 41-35-680, AS AMENDED, 41-35-690, 41-35-700, 41-35-710, AS AMENDED, 41-35-720, 41-35-730, 41-35-740, 41-35-750, AS AMENDED, 41-37-20, 41-37-30, 41-39-30, 41-39-40, 41-41-20, AS AMENDED, 41-41-40, AS AMENDED, 41-41-50, 41-42-10, 41-42-20, 41-42-30, AND 41-42-40, ALL RELATING TO VARIOUS DEPARTMENT PROVISIONS, SO AS TO CONFORM THEM TO THE REPLACEMENT OF THE EMPLOYMENT SECURITY COMMISSION WITH THE DEPARTMENT OF WORKFORCE; AND TO REPEAL SECTION 41-29-260 RELATING TO THE ABILITY OF COMMISSIONERS OF THE EMPLOYMENT SECURITY COMMISSION TO FILE OPINIONS OR OFFICIAL MINUTES.

Summary of Bill:

The original bill creates the Department of Workforce. H. 3442 which was the companion bill was ratified on 25 March 2010 and signed by Governor Sanford on 30 March 2010.

Amendment No.1: A complete strike and insert which provides for the election requirements; violations and penalties related to the Department of Workforce Appellate Panel.

Introduced: 3/2/2009

Received by Ways and Means: 3/2/2009

Estimated Fiscal Impact:

No impact to the General Fund

Subcommittee Recommendation:

Favorable as amended

Full Committee Recommendation:

Pending

Other Notes/Comments:

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HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

APRIL 15, 2010

CLERK OF THE HOUSE

THE REVENUE POLICY SUBCOMMITTEE PROPOSES
THE FOLLOWING AMENDMENT TO S. 391

**AMEND THE BILL, AS AND IF AMENDED, BY
STRIKING ALL AFTER THE ENACTING LANGUAGE
AND INSERTING**

**/SECTION 1 ARTICLE 9, CHAPTER 13, TITLE 8
OF THE 1976 CODE IS AMENDED BY ADDING:**

**“SECTION 8-13-940. DEPARTMENT OF
WORKFORCE APPELLATE PANEL ELECTION
REQUIREMENTS; VIOLATIONS AND PENALTIES.**

**AND NO CANDIDATE FOR OR PERSON
INTENDING TO BECOME A CANDIDATE FOR THE
DEPARTMENT OF WORKFORCE APPELLATE**

PANEL MAY SEEK, DIRECTLY OR INDIRECTLY, THE PLEDGE OF A MEMBER OF THE GENERAL ASSEMBLY'S VOTE OR CONTACT, DIRECTLY OR INDIRECTLY, A MEMBER OF THE GENERAL ASSEMBLY REGARDING SCREENING FOR THE DEPARTMENT OF WORKFORCE APPELLATE PANEL, UNTIL: (1) THE QUALIFICATIONS OF ALL CANDIDATES FOR THAT OFFICE HAVE BEEN DETERMINED BY THE DEPARTMENT OF WORKFORCE REVIEW COMMITTEE, AND (2) THE REVIEW COMMITTEE HAS FORMALLY RELEASED ITS REPORT AS TO THE QUALIFICATIONS OF ALL CANDIDATES FOR THE OFFICE TO THE GENERAL ASSEMBLY. FOR PURPOSES OF THIS SECTION, "INDIRECTLY SEEKING A PLEDGE" MEANS THE CANDIDATE, OR SOMEONE ACTING ON BEHALF OF AND AT THE REQUEST OF THE CANDIDATE, REQUESTS A PERSON TO CONTACT A MEMBER OF THE GENERAL ASSEMBLY ON BEHALF OF THE CANDIDATE BEFORE THE REVIEW COMMITTEE HAS FORMALLY RELEASED ITS REPORT AS TO THE QUALIFICATIONS OF ALL CANDIDATES TO THE

GENERAL ASSEMBLY. THE PROHIBITIONS OF THIS SECTION DO NOT EXTEND TO AN ANNOUNCEMENT OF CANDIDACY BY THE CANDIDATE OR STATEMENT BY THE CANDIDATE DETAILING THE CANDIDATE'S QUALIFICATIONS.

(B) NO MEMBER OF THE GENERAL ASSEMBLY MAY OFFER HIS PLEDGE UNTIL: (1) THE QUALIFICATIONS OF ALL CANDIDATES FOR THE DEPARTMENT OF WORKFORCE APPELLATE PANEL HAVE BEEN DETERMINED BY THE DEPARTMENT OF WORKFORCE REVIEW COMMITTEE, AND (2) THE REVIEW COMMITTEE HAS FORMALLY RELEASED ITS REPORT AS TO THE QUALIFICATIONS OF ALL CANDIDATES TO THE GENERAL ASSEMBLY. THE FORMAL RELEASE OF THE REPORT OF QUALIFICATIONS MUST OCCUR NO EARLIER THAN FORTY-EIGHT HOURS AFTER THE NAMES OF ALL CANDIDATES FOUND QUALIFIED BY THE REVIEW COMMITTEE HAVE BEEN INITIALLY RELEASED TO MEMBERS OF THE GENERAL ASSEMBLY.

(C) NO MEMBER OF THE GENERAL ASSEMBLY MAY TRADE ANYTHING OF VALUE, INCLUDING PLEDGES TO VOTE FOR LEGISLATION OR FOR OTHER CANDIDATES, IN EXCHANGE FOR ANOTHER MEMBER'S PLEDGE TO VOTE FOR A CANDIDATE FOR THE DEPARTMENT OF WORKFORCE APPELLATE PANEL.

(D)(1) VIOLATIONS OF THIS SECTION MAY BE CONSIDERED BY THE DEPARTMENT OF WORKFORCE REVIEW COMMITTEE WHEN IT CONSIDERS THE CANDIDATE'S QUALIFICATIONS.

(2) VIOLATIONS OF THIS SECTION BY MEMBERS OF THE GENERAL ASSEMBLY MUST BE REPORTED BY THE REVIEW COMMITTEE TO THE HOUSE OR SENATE ETHICS COMMITTEE, AS MAY BE APPLICABLE.

(3) VIOLATIONS OF THIS SECTION BY INCUMBENT APPELLATE PANELISTS SEEKING REELECTION MUST BE REPORTED BY THE DEPARTMENT OF WORKFORCE AND THE DEPARTMENT OF

WORKFORCE APPELLATE PANEL TO THE STATE ETHICS COMMISSION. A VIOLATION OF THIS SECTION IS A MISDEMEANOR AND, UPON CONVICTION, THE VIOLATOR MUST BE FINED NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISONED NOT MORE THAN NINETY DAYS. CASES TRIED UNDER THIS SECTION MAY NOT BE TRANSFERRED FROM GENERAL SESSIONS COURT PURSUANT TO SECTION 22-3-545.

AMEND TITLE TO CONFORM.

**REPORT OF THE
REVENUE POLICY SUBCOMMITTEE**
(Cooper, Barfield, Merrill, White & AD Young - Staff Contact: Rena Grant)

HOUSE BILL 4233

H. 4233 -- Rep. Harrison: A BILL TO AMEND SECTION 12-21-1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE BEER AND WINE LICENSE TAX, SO AS TO CONFORM THE DEFINITION OF "BEER" FOR PURPOSES OF THIS LICENSE TAX TO THE REVISED DEFINITION FOR "BEER" PROVIDED BY LAW FOR THE REGULATION OF BEER AND WINE SALES AND CONSUMPTION.

Summary of Bill:

The bill makes the definition of "beer" in Titles 12 and 61 of the code consistent.

Introduced: 1/12/2010

Received by Ways and Means: 1/12/2010

Estimated Fiscal Impact:

No fiscal impact

Subcommittee Recommendation:

Favorable

Full Committee Recommendation:

Pending

Other Notes/Comments:

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South Carolina General Assembly
118th Session, 2009-2010

H. 4233

STATUS INFORMATION

General Bill

Sponsors: Rep. Harrison

Document Path: I:\council\bills\bbm\9449htc10.docx

Introduced in the House on January 12, 2010

Currently residing in the House Committee on **Ways and Means**

Summary: License tax

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/15/2009	House	Prefiled
12/15/2009	House	Referred to Committee on Ways and Means
1/12/2010	House	Introduced and read first time <u>HJ-38</u>
1/12/2010	House	Referred to Committee on Ways and Means <u>HJ-39</u>

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VERSIONS OF THIS BILL

12/15/2009

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A BILL

TO AMEND SECTION 12-21-1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE BEER AND WINE LICENSE TAX, SO AS TO CONFORM THE DEFINITION OF "BEER" FOR PURPOSES OF THIS LICENSE TAX TO THE REVISED DEFINITION FOR "BEER" PROVIDED BY LAW FOR THE REGULATION OF BEER AND WINE SALES AND CONSUMPTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 12-21-1010(3) of the 1976 Code is amended to read:

"(3) The word 'beer' ~~shall mean all beer, ales, porter and other similar malt or fermented beverages containing not more than five per cent of alcohol by weight~~ has the meanings provided pursuant to Section 61-4-10(1) and (2);"

SECTION 2. Upon approval by the Governor, the revised definition of "beer" in Section 12-21-1010(3) of the 1976 Code, as amended by this act, applies retroactively to May 2, 2007.

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